IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 179 OF 2007

Shri Harmindersingh Tarloksingh Suri ..Petitioner
Vs.
State of Maharashtra and anr. ..Respondents

Mr. H.S. Anand for petitioner.
Mr. D.P. Adsule, APP for State.
Mr. Prakash Naik for respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : September 04, 2007.

P.C.:

. Heard the learned counsel for the petitioner. Mr. Naik appears for the respondent no.2 who is the original complainant. The petitioner and the complainant are brothers. They entered into a Partnership Deed on 1/4/1981 and started a business firm in the name and style of M/s. Suri Transmission Gear Co. at 338, Guru Nanak Auto Market, Kashmere Gate, Delhi. The partnership has come into force with effect from 1/4/1981 and both the brothers claim to be residents of Delhi. There is no dispute that the business of the partnership firm is at Delhi and that

arbitration proceedings between the partners are pending before the Arbitrator appointed by the High Court at Delhi. Therefore, the main issue raised is regarding the territorial jurisdiction of the learned Metropolitan Magistrate, 32nd Court at Bandra, Mumbai to entertain C.C. No.36/SW/2006 filed for the offences punishable under Sections 406, 418 and 468 of IPC.

. Notwithstanding these impressive arguments, the fact remains that the learned Metropolitan Magistrate has passed an order of issuance of process against the petitioner on 6/1/2006 and the said order can be challenged by filing a Criminal Revision Application under Section 397 of Cr.P.C. before the Sessions Court at Mumbai. When such an alternative and equally efficacious remedy is available, a writ petition under Article 227 of the Constitution read with Section 482 of Cr.P.C. need not be entertained at this stage.

. Hence, the petition is disposed with liberty to the petitioner to approach the Sessions Court and

if such Criminal Revision Application is filed within a period of two weeks from today, the period of pendency of this petition from 25/1/2007 till today shall be excluded for counting the period of delay while considering an application for condonation of delay to be filed along with the Criminal Revision Application.

(B.H. Marlapalle,J.)